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SUBJECT: JORDAN IV DENIED ENTRY TO U.S.

REF: State 258883

11. (U) While the Department correctly notes the difficulties facing some students in fulfilling NSEERS requirement (reftel), other travelers bearing different visa classifications can also get caught up in the system. A recent experience by a Jordanian contact traveling under the International Visitor (IV) program stands as evidence that a coordination mechanism between DHS (especially at Dulles) and Washington agencies would be useful in ensuring our high-priority. USG-funded visitors are able to enter the U.S. to attend their programs. END SUMMARY.

12. (U) Post's experience tracks with the analysis laid out in reftel: many students may not initially grasp the intent and seriousness of the NSEERS program and the negative impact that non-compliance can have on return travel to the U.S. We are also finding other travelers who do understand what NSEERS is all about but who, for one reason or another, have not fulfilled the letter of the NSEERS program -- and have paid for it.

13. (U) A recent example: Jordan IV Haytham Wahdan was denied entry to the United States August 5 by Port of Entry Inspecting Officers on the basis of having failed to properly notify the INS of an earlier departure from the U.S. in February 2003. Wahdan claims he tried to inform officials of his departure on that earlier occasion but found no one to tell -- unable to find a DHS officer, he seems to have thought that notifying an official-looking person at the departure gate (probably an airline employee) was sufficient. When detected as an NSEERS violator upon his return in August, Wahdan spent over 24 hours in DHS detention before being placed on a flight back to Amman.

14. (U) It is clear, in retrospect, that Wahdan did not check out properly in February, and that DHS officers were correct in detecting him as having violated the NSEERS system. But from post's perspective, it would have been very much preferable for DHS to have exercised its authority to find that Wahdan had "rebutted the legal presumption that (his) future entry into the U.S. will be to engage in unlawful activity" (reftel para 5). DHS might have done so on the basis of Wahdan's own statement (assuming DHS found him credible), but also because Wahdan was traveling on a fully-funded USG program intended to facilitate exchanges between influential foreigners and the U.S. Wahdan is just the sort of visitor to the U.S. who we need to cultivate; unfortunately, Wahdan's experience on this occasion is unlikely to cement his ties with our country.

15. (U) Who was at fault? Not DHS, as Wahdan had obviously not fulfilled NSEERS requirements. Certainly Wahdan bears ultimate responsibility for leaving the U.S. without having made appropriate notification, but his account that he did not know the difference between a DHS official and an airline official has a ring of truth. Sometimes, a bonafide traveler can make a mistake and run into the law, but the USG's best interests may be served by permitting entry. In post's view, the most useful way to handle future cases like Wahdan's -- where the USG itself has already invested in getting the traveler to America -- is to establish a liaison link between DHS at Dulles (where the majority of our and most posts' IVs arrive) and the Department.

16. (U) Under this system, when a visitor is brought aside for further review by DHS (including for NSEERS violation), and when it is seen that the visitor is participating in a USG-funded program, DHS could both inform the Department/post and seek an advisory view on permitting the traveler to enter the U.S. If useful, post could even issue a sealed letter to USG-funded travelers affirming USG interest in their travel and requesting DHS call the Department/post at specified numbers if any problems occur. At best, this system would save DHS the time and expense of removing an alien who might otherwise benefit from a "rebuttal." At minimum it would let the Department know that an officially-sponsored traveler was being turned around (in Wahdan's case, no one knew where he was for two days during his detention and turn-round). Post would welcome Department's views on this proposal which we believe is in the best interests of DHS, State, the traveler, and U.S. security interests.

17. (U) The bottom line of course, as reftel makes clear, is that posts need to do all in their power to make visa

applicants, including those traveling on USG programs, aware of these requirements. We will redouble our efforts to make sure such sponsored travelers are fully briefed and asked about possible previous violations leading to ineligibilities. But for such travelers who nonetheless have made innocent mistakes, a liaison system can save the USG money while allowing us to attain the goals which lay behind these visitor programs.

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